

OCA 88-3091
23 September 1988

MEMORANDUM FOR: The Director
The Deputy Director

FROM: John L. Helgerson
Director of Congressional Affairs

SUBJECT: Weekly Report



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Alexander "Anti-Stonewalling Act" Amendment - Substitute
Adopted. At the last minute, a compromise was proposed on the Alexander "Anti-Stonewalling Act" amendment: Representative Alexander would withdraw the original amendment and a substitute, acceptable to both him and the Administration, would be included in the "leadership amendment" to be offered prior to final adoption of the bill.

We reviewed the substitute and advised the White House that, although we preferred no legislation on the subject, we could live with the substitute. The bill subsequently passed with the substitute amendment being adopted.

The substitute eliminates any new Congressional or General Accounting Office involvement in the area, perhaps our greatest objection to the original Alexander approach. It retains the statutory obligation on individual federal employees to report information concerning "illegal foreign drug activities." Our concern about the vague nature of this term, however, is met by a provision which defines it to mean essentially information concerning overseas violations of federal drug laws.

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Our concerns with how the obligation would actually be implemented within the Agency and the Executive Branch are addressed by the wide latitude which the substitute gives the President in shaping the bounds of the obligation.

The substitute provides that the obligation is to be satisfied according to Presidentially-established procedures. These presumably would be drafted by the National Security Council. Under the substitute's language, they could be drafted to allow the employee to meet his obligation by reporting exclusively within his agency's "chain-of-command" structure.

Moreover, the implementing language can be read as not mandating the reports to be made to the agency head but rather to his designee or through some other, less burdensome mechanism. The substitute would also allow the procedures to provide for controlling the manner in which such information would otherwise be reported inside and outside an agency.

The provision is open to further dilution and or deletion in Senate or in conference.

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